



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/687,420      | 10/13/2000  | Peter Joseph Rock    | 13DV13812           | 8491             |

29399 7590 07/08/2003

JOHN S. BEULICK  
C/O ARMSTRONG TEASDALE LLP  
ONE METROPOLITAN SQUARE  
SUITE 2600  
ST. LOUIS, MO 63102-2740

EXAMINER

CHEN, CHONGSHAN

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2172

DATE MAILED: 07/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/687,420

Applicant(s)

ROCK ET AL.

Examiner

Chongshan Chen

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

1. This action is responsive to communications: Amendment B and Request for RCE, filed on 6/11/03. This action is non-final. Claims 1-18 are pending.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haq et al. ("Haq", 6,275,812) in view of Brady et al. ("Brady", 6,463,430).

As per claim 1, Haq disclosing a method for determining candidates to interview, said method comprising the steps of:

providing pre-determined desired qualities for a candidate (Haq, col. 5, lines 25-36, "ISDRM allows specific job functions (roles and responsibilities) in a specialty to be identified by a skills template. A skill template basically identifies the relevant importance of each skill (Weights) and the skill level (Index) required in each skill to perform a job function. ... A template basically identifies what skill levels are required and what is their importance for a job function");

generating a database including at least one characteristic for each individual (Haq, Fig. 2, ISDRM Database);

normalizing the characteristics, normalizing includes comparing the at least one characteristic to a related pre-determined desired quality, and assigning a value to the at least one characteristic based on the comparison (Haq, col. 6, lines 5-50, "Suitability Skill Index Average (SSIA) gives a measure of the suitability of an employee for an assignment. To assess the suitability of an employee, for a particular job assignment, his/her skills, from the skills assessment forms in the employee database are assessed against the given skills template for a job function. A suitability assessment form is generated for the employee in which the skill weights are duplicated from the skills template and the skill indices, for the employee, are copied from the Employee Database");

displaying results for each individual based on the normalized characteristics (Haq, col. 10, lines 40-43, "outputs of various of request/queries to the database").

Haq discloses select suitable employees (Haq, col. 5, lines 52-53), but does not disclose select to interview. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to select candidates to interview in order to decide which candidate is the most suitable candidate through the interview process if there are several candidates with same the high suitability weight value.

Haq does not explicitly disclose the desired qualities include at least two of analytical ability, self-confidence, initiative, change orientation, and interpersonal skills. Brady discloses the desired qualities include at least two of analytical ability, self-confidence, initiative, change orientation, and interpersonal skills (Brady, col. 6, lines 1-21). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Brady with Haq in order to provide additional information about a candidate.

As per claim 2, Haq and Brady teach all the claimed subject matters as discussed in claim 1, and further disclose storing the predetermined desired qualities for a candidate within the database, the desired qualities include analytical ability, self-confidence, initiative, change orientation, and interpersonal skills (Brady, col. 6, lines 1-21).

As per claim 3, Haq and Brady teach all the claimed subject matters as discussed in claim 1, and further disclose obtaining pre-determined desired qualities associated with each characteristic (Haq, col. 5, lines 25-36); and normalizing characteristics of each candidate with the pre-determined desired qualities associated with each characteristic (Haq, col. 6, lines 5-50).

As per claim 4, Haq and Brady teach all the claimed subject matters as discussed in claim 1, and further disclose summing the normalized characteristics of each candidate; and dividing the sum total of the normalized characteristics by a pre-determined value representing a total amount possible (Haq, col. 5, lines 1-5).

As per claim 5, Haq and Brady teach all the claimed subject matters as discussed in claim 1, and further disclose displaying the results (Haq, col. 10, lines 40-43), which inherently includes displaying the results of the candidates in at least one of a tabular output format and a graphical output format.

Claims 6-8 rejected on grounds corresponding to the reasons given above for claims 1-3.

As per claim 9, Haq and Brady teach all the claimed subject matters as discussed in claim 6, and further disclose

rank each candidate based on normalized characteristics (Haq, Fig. 11); and

sum the normalized characteristics of each candidate (Haq, col. 5, lines 1-5).

Art Unit: 2172

As per claim 10, Haq and Brady teach all the claimed subject matters as discussed in claim 9, and further disclose divide the sum total of all normalized characteristics by an amount representing a pre-determined possible total (Haq, col. 5, lines 1-5).

As per claim 11, Haq and Brady teach all the claimed subject matters as discussed in claim 6, and further disclose displaying the results (Haq, col. 10, lines 40-43), which inherently includes displaying the results of the candidates in at least one of a tabular output format and a graphical output format.

Claims 12-13 are rejected on grounds corresponding to the reasons given above for claims 1-2.

As per claim 14, Haq and Brady teach all the claimed subject matters as discussed in claim 12, and further disclose normalizing the characteristics, said processor further programmed with pre-determined desired qualities associated with each characteristic (Haq, col. 5, lines 25-36).

As per claim 15, Haq and Brady teach all the claimed subject matters as discussed in claim 12, and further disclose normalize the characteristics, said processor further programmed to normalize candidate characteristics with known qualities associated with each characteristic (Haq, col. 5, lines 25-36).

As per claim 16, Haq and Brady teach all the claimed subject matters as discussed in claim 12, and further disclose summing the normalized characteristics of each candidate; and dividing the sum total of the normalized characteristics by an amount representing a predetermined possible total (Haq, col. 5, lines 1-5).

Art Unit: 2172

As per claim 17, Haq and Brady teach all the claimed subject matters as discussed in claim 16, and further disclose displaying the results (Haq, col. 10, lines 40-43), which inherently includes displaying the results of the candidates in a tabular output format.

As per claim 18, Haq and Brady teach all the claimed subject matters as discussed in claim 16, and further disclose displaying the results (Haq, col. 10, lines 40-43), which inherently includes displaying the results of the candidates in a graphical output format.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chongshan Chen whose telephone number is (703) 305-8319. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on (703)305-4393. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

CC  
June 26, 2003

*Shahid*  
**SHAHID AL ALAM**  
**PATENT EXAMINER**  
*Primary*